

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOKIA TECHNOLOGIES OY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 23-1236 (GBW)
)	
AMAZON.COM, INC.,)	
AMAZON.COM SERVICES, LLC and)	
TWITCH INTERACTIVE, INC.,)	
)	
Defendants.)	

**DEFENDANTS' LETTER TO THE HONORABLE GREGORY B. WILLIAMS
IN RESPONSE TO THE COURT'S MAY 16, 2024 ORDER (D.I. 26)**

OF COUNSEL:

J. David Hadden
Saina S. Shamilov
Ravi R. Ranganath
Allen Wang
Vigen Salmastlian
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
(650) 988-8500

Todd R. Gregorian
Ethan M. Thomas
FENWICK & WEST LLP
555 California Street
San Francisco, CA 94104
(415) 875-2300

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Jack B. Blumenfeld (#1014)
Jeremy A. Tigan (#5239)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
jtigan@morrisnichols.com

*Attorneys for Defendants Amazon.com, Inc.,
Amazon.com Services, LLC and
Twitch Interactive, Inc.*

May 30, 2024

Dear Judge Williams:

In response to the Court's May 16, 2024 Oral Order (D.I. 26), defendants Amazon.com, Inc., Amazon.com Services, LLC, and Twitch Interactive, Inc. (collectively, "Amazon") identify the following Federal Circuit cases most similar to the patents challenged in Amazon's pending motion to dismiss under § 101 (D.I. 17):

U.S. Patent Nos. 6,950,469; 7,280,599; 8,036,273 ("Pixel Averages Patents"): In *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1326 (Fed. Cir. 2017), the Federal Circuit invalidated claims reciting "a method whereby a user displays images on a first display, assigns image codes to the images through an interface using a mathematical formula, and then reproduces the image based on the codes." *Id.* at 1326. The Federal Circuit concluded the claims were directed to the abstract idea of "encoding and decoding image data." *Id.* The panel reasoned that "[a]dding one abstract idea (math) to another abstract idea (encoding and decoding) [did] not render the claim non-abstract." *Id.* at 1327. The Pixel Average Patents similarly claim a basic means of encoding and decoding video using a math formula—*i.e.*, weighted averages and sums.

U.S. Patent Nos. 6,968,005; 8,144,764 ("Sequence Indicator Patents"): In *Intell. Ventures I LLC v. Erie Indem. Co.*, 850 F.3d 1315, 1327 (Fed. Cir. 2017), the Federal Circuit invalidated claims reciting the use of XML tags to "identify, organize, and locate [a] desired resource." *Id.* at 1327. The panel concluded that the claims were directed to the abstract idea of "creating an index and using that index to search for and retrieve data." *Id.* at 1327. The panel noted that the use of identifiers (*e.g.*, a tag) for "organizing and accessing records through the creation of an index-searchable database" amounted to "longstanding conduct that existed well before the advent of computers and the Internet." *Id.* The Sequence Indicator Patents similarly require a numbering scheme, applying sequential identifiers to frames in a video stream.

U.S. Patent No. 7,724,818 ("The Parameter Set Patent"): In *In re TLI Commc'ns LLC Pat. Litig.*, 823 F.3d 607, 612 (Fed. Cir. 2016), the Federal Circuit invalidated claims related to recording images, transmitting them with "classification information," extracting the "classification information," and storing them based on the "classification information" as abstract and ineligible. *Id.* at 610. The Federal Circuit held the claims directed to the abstract idea of "classifying an image and storing the image based on its classification." *Id.* at 611. The court held that "attaching classification data . . . to images for the purpose of storing those images in an organized manner" was "a well-established 'basic concept' sufficient to fall under Alice step 1." *Id.* at 613. The Parameter Set Patent similarly claims the idea of defining and using image parameters for classifying images.

Respectfully,

/s/ Jeremy A. Tigan

Jeremy A. Tigan (#5239)

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cc: Clerk of the Court (via hand delivery)
All Counsel of Record (via CM/ECF and e-mail)